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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,414	12/14/2000	Rabindranath Dutta	AUS9000687US1	8776
35617	7590	03/16/2004	EXAMINER	
CONLEY ROSE, P.C.			BRIER, JEFFERY A	
P.O. BOX 684908				
AUSTIN, TX 78768			ART UNIT	PAPER NUMBER
			2672	12

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/736,414

Applicant(s)

DUTTA, RABINDRANATH

Examiner

Jeffery A Brier

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see page 2.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 03/04/04 have been fully considered but they are not persuasive.

During the 3/5/04 telephone interview, Mr. Daffer stated the independent claims are intended to be genus claims covering the three embodiments.

This application describes three embodiments which places the editor in a specific location. This application also described the web server and the ad server can exist in the same location or separated by a network connection, page 15 lines 2-6. The 12/05/03 amendment limited independent claims 1 and 13 to having the web server and ad server to be contained in separate computers connected by a network. Claims 1 and 13 are genus claims attempting to claim the three embodiments in a single independent claim, see page 15 line 24 to page 18 line 2. However, they are detailed enough that they do not accurately claim the three embodiments. The first embodiment connects a client to a web server and connects the web server to an ad server but it does not connect the client to the ad server. The web server contains the editor in the first embodiment. The second embodiment connects a client to a web server and to an ad server while also connecting the web server to the ad server. The ad server contains the editor in the second embodiment. The third embodiment connects a client to web server and to an ad server but it does not connect the web server to the ad server. The client contains the editor in the third embodiment.

In the independent claims it is not clear where the editor is located.

It is clear the first embodiment cannot be claimed because the first embodiment does not connect the ad server to the client. Thus, claims 3 and 17 clearly conflict with their independent claims (1 and 13) because they claim the editor is in the web server, the described first embodiment, which does not connect the ad server to the client in the first embodiment, but, the independent claims do claim the ad server is connected to the client.

It is clear the second embodiment cannot be claimed because the second embodiment does not send the first image from the web server to the client, instead the web page sent to the client instructs the client to receive the image from the ad server which has the editor. Thus, when claim 1 claims to receive the first image from the web server applicant is incorrectly claiming the second embodiment because the first and second images are combined in the ad server and then sent to the client. Thus, claim 4 clearly conflicts with independent claim 1 because claim 4 claims the editor is in the ad server, the described second embodiment, which does not have the client receive the first image from the web server but has the client receiving the combined image from the ad server. Thus, claim 18 similarly conflicts with independent claim 13 because links to a graphics image causes the web server to download the first image while also receiving the combined image from the editor within the ad server.

It is clear the third embodiment cannot be claimed because the third embodiment does not connect the web server to the ad server while the independent claims do connect the web server to the ad server. Thus, claims 5 and 19 clearly conflict with their independent claims (1 and 13) because they claim the editor is in the client, the

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described third embodiment, which does not connect the web server to the ad server in the third embodiment, but, the independent claims do claim the web server is connected to the ad server.

Therefore, the location of the editor in claims 1 and 13 needs to be better defined in order to not claim something that which was not described as part of applicants invention.

The rejection of claim 12 under 35 USC 112 concerning the execution units is withdrawn. Applicant is correct claim 1 claims the web server is contained within a first computer and the ad server is contained within a second computer. Thus, claim 12 is correct. This claim is still indefinite because it does not correct the deficiencies of claim 1.

2. Claims 1-19 remain rejected under 35 USC 112 second paragraph.

Applicant should consider presenting independent claims directed to each of the three embodiments or amending claims 1 and 13.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
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